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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DERRICK LEE SLEDGE,

Plaintiff,

v.

DAVID BALKIND, et al.,

Defendants.

C 07-4622 CRB (PR)

[PROPOSED] ORDER
GRANTING DEFENDANTS'
MOTION TO DISMISS

The Court has considered all supporting and opposing arguments regarding the Motion to Dismiss filed by Defendants R. Schnorr, M. Vela, and M. Arfa. The Court finds that Plaintiff's Complaint fails to state a claim upon which relief may be granted, that the Plaintiff's Complaint is barred by the prior invalidation rule, and that the Defendants are entitled to qualified immunity. The Court further finds that Plaintiff's claims for punitive damages are barred as Plaintiff has failed to state sufficient facts to support a claim for this type of damages.

Therefore, the Defendants' Motion to Dismiss is GRANTED and this case is dismissed with prejudice.

Dated: _____

The Honorable Charles R. Breyer
United States District Court Judge